

**COUNCIL MEETING  
TUESDAY, APRIL 10, 2018  
COUNCIL CHAMBERS  
[www.lackawannany.gov](http://www.lackawannany.gov)**

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Keith Lewis presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Lewis.

Meeting called to order

NB: Meeting being recorded

Roll Call: Council: Present: Noman, Iafallo, Leonard, Surdyke, Lewis

Dept. Heads: Present: Law, Comptroller, Development, Recreation, Public Works,

Excused: Public Safety

**Approval of Minutes:** of regular meeting of March 19, 2018.

Moved by Lewis, seconded by Noman to adopt minutes of regular meeting of March 19, 2018 as Written.

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

**Departmental Reports:**

1. **City Comptroller-** A/P Check Listing #37, March 15, 2018.
2. **City Comptroller-** A/P Check Listing #38, March 22, 2018.
3. **City Comptroller-** A/P Check Listing #39, March 29, 2018.
4. **City Treasurer-** Receipts deposited into General Fund for March 2018.
5. **City Clerk-** Monthly Report for March 2018.

Moved by Lewis, seconded by Iafallo to receive and file departmental reports one thru five.

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

**Communications from the Council:**

**Stop Signs & Speed Limits**

6. To: City Council

I have requested the City Attorney draft 2 ordinances to be approved at the April 10<sup>th</sup> Council meeting.

An ordinance for the placement of stop signs at the following location:

1. Pearl Street & Steelawanna Avenue
2. Washington Street & Steelawanna Avenue
3. Olcott Street & Steelawanna Avenue

The Second ordinance would be to reduce the speed limit to 25 MPH near any City playground.

I am asking for the Council's support.

**ABDULSALAM NOMAN-1<sup>ST</sup> WARD COUNCIL MEMBER**

Moved by Lewis, seconded by Noman to receive and file, refer to Traffic Safety Board.

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

**Re-schedule Council Meeting**

7. To: City Council

The New York State Conference of Mayors and Municipal Officials (NYCOM) are holding their Annual Meeting in Saratoga Springs on May 6, 7 and 8, 2018. At least one Council Member and the City Clerk will be attending. For this reason I am requesting the regular Council meeting schedule on Monday, May 7, 2018 be re-scheduled for Wednesday, May 9, 2018.

Thank you for your anticipated cooperation.

**ANNETTE IAFALLO-2<sup>ND</sup> WARD COUNCIL MEMBER**

Moved by Iafallo, seconded by Surdyke to receive and file, act on resolution.

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

**Communications from Department/Division Heads:**

**Lackawanna City School-Special Election**

8. To: City Council

The Lackawanna Board of Education is asking to use the Bocce Court and also a room in the Senior Citizen's Center for their upcoming May 15, 2018 Budget Vote and Election.

The Election will be held on Tuesday, May 15, 2018, between the hours of 12:00 PM and 9:00 PM. Inspectors would need access to said buildings at 11:30 AM that day.

I will confirm a date and time of delivery and pickup of voting machines as the date approaches.

**JEFFREY P DEPASQUALE-CITY CLERK ON BEHALF OF KIMBERLY ROZWOOD-JACKSON**

Moved by Lewis, seconded by Noman to approve request.

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

**Standard Work Day Reporting**

9. To: City Council

Attached for your review is the Standard Work Day Reporting Resolution for Elected and Appointed Officials (Form RS 2417-A). The form is utilized to establish the standard work day for each position within the City as required by the New York State and Local Retirement System.

**CAROLYN A NICOMETO-CITY COMPTROLLER**

Moved by Lewis, seconded by Iafallo to receive and file.

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

**Revised Ordinance for Accepted New Floodplain Map**

10. To: City Council

An adoption of a recently issued Letter of Map Revision (LOMR) was received by the City of Lackawanna in December 2017 from the New York State Department of Environmental Agency (FEMA) Case Number 17-02-1965P notifying the City that the Flood Insurance Rate Map (FIRM) for map panel numbers 360240001B and 3602470002B and the Flood Boundary and Floodway Map Panels 3602470001 and 3602470002 have been revised.

Since this is a physical change to the City's Flood Insurance Rate Map (FIRM), it is necessary for the City to formally adopt, by May 2, 2018, (effective date of the LOMR) this updated LOMR before it can issue permits based on the information on the LOMR. Therefore, the City needs to amend, by ordinance, Section 230.68 (F) of our City Code to reflect this change and continue its participation in the National Flood Insurance Plan (NFIP) program.

**DREW SHAPIRO-DIRECTOR of DEVELOPMENT**

Moved by Iafallo, seconded by Noman to receive and file, act on ordinance.

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

**“Game Changers” Program**

11. To: City Council

I am asking the City of Lackawanna to sign a memorandum of understanding with NY/NJ HIDTA and the City of Lackawanna. This is a regional program funded by the office of National Drug Policy. The grant is for \$21,000.00 and will be using the Lackawanna High School gymnasium for a program called “Game Changers” on various Fridays, starting June 8, 2018 through July 27, 2018. “Game Changers” is a program which will be used to reduce youth violence and youth drug use in neighborhoods plagued by violent crime.

“Game Changers” will offer free, professional and exceptional athletic training during the most vulnerable hours. The program will be offered to girls and boys, ages 12-18 that live within the City of Lackawanna. The City of Lackawanna will provide (2) police officers from 5PM-9PM for those days. The program will provide basketball skills for the first half of each session and the remainder of the time will be geared toward life building skills.

If you have any questions please feel free to contact me.

**RICHARD ZYBERT-DIRECTOR of RECREATION**

Moved by Lewis, seconded by Iafallo to approve request.

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

**B.O.Y.S. Association Reimbursement**

12. To: City Council

At the September 5<sup>th</sup>, 2017 council meeting, the Lackawanna Council voted to pay the B.O.Y.S. association \$576 for reimbursement for 96 Lackawanna children who played in their organization. The B.O.Y.S. association leases the field from the City of Lackawanna, and is responsible for the upkeep. For almost a year, they have a telephone pole (that holds up netting behind the backstop behind Apollo Restaurant) that is leaning dangerously. I have asked the president, Jeffrey Ciolek on several occasions to remove or fix the pole. He has yet to fix this problem. I reached out to Tony DeSantis, and he has a company scheduled to remove this pole within the next few weeks. This will cost our City roughly \$5600 if not more. I suggest we withhold the \$576 in lieu of this expense to our city.

**RICHARD ZYBERT-DIRECTOR of RECREATION**

Moved by Lewis, seconded by Iafallo to receive and file, refer to Law Department.

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

**Landscaping & Mowing-Advertise for Bids**

13. To: City Council

I am requesting your Honorable Body to authorize the City Clerk to advertise for lawn mowing and landscaping of various recreational and public property area in the City of Lackawanna for the 2018 calendar year.

**RICHARD ZYBERT-DIRECTOR of RECREATION**

Moved by Lewis, seconded by Surdyke to direct City Clerk advertise for bids.

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

**Request Grant Writer for New Pavilion**

14. To: City Council

In January 2018, I made a proposal to the City Council, to erect a metal roof pavilion at Veterans Stadium. At that time my proposal was for a 40'X80' open pavilion with a cold storage room. I received an estimate from a local contractor, Prevision Construction, who did reputable work at the senior building installing a door. This local company gave me a price of \$42,000 for the building alone, \$15,000 for electrical work, \$14,000 for the cold storage area, \$5,000 for stamped drawings. The total cost of this modest building was \$76,000. The Council gave consent to me to investigate a grant for this project. I spoke with grant writer Connie Minor, and she responded that a pavilion alone would not be covered by a grant. She sent this info:

*The most likely grant that will pay for this is an EPF Parks Development Grant from NYS Office of Parks, Recreation & Historic Preservation. This grant typically funds 50% of the eligible project costs, but Lackawanna may be eligible for 75% grant based on poverty. The guidelines change slightly each year, so that is why I stated "may" be eligible for 75% match. The maximum award is \$500,000. There is no minimum, but you should ask for at least \$50,000 because the amount of administrative work would not be worth an application less than that.*

I spoke to Tom Nicometo, and he advised me that the best course would be to proceed with Government approved contractors because we are mandated to pay prevailing wage. This of course raises the cost considerably. This new information coupled with the grant advice from Connie Minor has led me to propose a larger, more aggressive project. I would like to erect a 40'X200' pavilion, 2-1/2 times the original plan. I have been working with "Fifth Room" a government approved contractor that will deliver the pavilion for \$110,130. It must then be constructed. I've contacted Titan Construction, a government approved contractor that pays prevailing wage, and they gave me a price of 90,000 to install, \$64,000 for concrete (there was no concrete in my original plan bas I figured the blacktop would be fine), and \$25,000 for the electrical. This new ambitious project would cost \$289,000.

I am presenting this information to you to see if I should continue further in pursuing this grant. The City would be responsible for 25% (best case scenario), thus costing our City \$72,250. I estimate we would save this money in approximately ten years by not having to rent tents. We could also run many other events there. We would also be required to have actual recreation under this pavilion (ice skating, roller hockey, cornhole leagues, outdoor exercises programs, the start of walking/bike path etc...) to qualify for the grant. I would like to continue further by reaching out to Connie Minor, I just want your approval to do so.

**RICHARD ZYBERT-DIRECTOR of RECREATION**

Moved by Lewis, seconded by Surdyke to approve request pursuing grant.

Yeas: Noman, lafallo, Leonard, Surdyke, Lewis

Carried 5-0

**Commissioner of Deeds**

15: To: City Council

I am requesting Commissioner of Deeds status for Marcia A. Cullens within the City of Lackawanna, New York, to expire on 12/31/20.

I appreciate your anticipated cooperation in this matter.

**FRANK E. KRAKOWSKI-CITY ASSESSOR**

Moved by Lewis, seconded by lafallo to approve request.

Yeas: Noman, lafallo, Leonard, Surdyke, Lewis

Carried 5-0

**Traffic Signal Light at Ridge Road & Abbott Road-Advertise for Bids**

16: To: City Council

I am requesting permission to go out for bid for the following: Materials, traffic signal light at Ridge Rd. & Abbott Rd. See attached for detailed list of materials for bid.

(Complete list of materials on file in City Clerk’s Office)

**ANTHONY DeSANTIS-COMMISSIONER OF PUBLIC WORKS**

Moved by Lewis, seconded by Noman to direct City Clerk advertise for bids.

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

**Veterans Stadium Lease Agreement**

17: To: City Clerk

Please put the attached lease agreement between the City of Lackawanna and Healthy Buffalo on the agenda for Council approval.

Terms of Lease:

A. Landlord (City) hereby leases the Leased premises to Tenant (Healthy Buffalo), and Tenant hereby leases the same from Landlord on each Friday from June 1, 2018 to August 10, 2018. Tenant shall have possession of the Premises (Veterans Stadium) on the aforementioned day of use from 4 p.m. until 12 midnight, or at such other times as the parties shall mutually agree upon in writing.

B. Notwithstanding the provisions of Paragraph A. the premises shall not be available to Tenant on July 20, 2018.

C. This lease shall end by August 30, 2018 unless extended by written agreement of both Landlord and Tenant.

D. In the event of a rainout or other cancellation of a game due to inclement weather, Tenant may, with the approval of Landlord, make-up said game at a date and time agreed upon to between the parties.

In consideration for the use of the premises by Tenant, Tenant shall pay Landlord the sum of \$1,000.

(Complete lease agreement on file in City Clerk’s Office)

**ANTONIO SAVAGLIO-CITY ATTORNEY**

Moved by Lewis, seconded by Iafallo to approve lease agreement.

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

**Resolution:**

**Resolution # 7, 2018**

**Whereas**, Chapter 3, Section 3.7 of the Charter of the City of Lackawanna provides for meeting dates of the Lackawanna City Council; and

**Whereas**, the City Council is desirous of complying with the City of Lackawanna Open Meetings Law of the State of New York, and

**Whereas**, the City Council is desirous of changing the meeting date of Monday, May 7, 2018 to be rescheduled to Wednesday, May 9, 2018, and

**Be it further resolved**, that a cop of this resolution be posted on the centrally located bulletin board in the lobby of City Hall, the Council bulletin board, the City Clerk's Office and on the official website for the city.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Lewis, seconded by lafallo adopt Resolution as written.

Yeas: Noman, lafallo, Leonard, Surdyke, Lewis

Carried 5-0

**Ordinance:**

**(1) FEMA Flood Map Revision**

**AN ORDINANCE AMENDING CHAPTER 230, ZONING OF THE CITY OF LACKAWANNA MUNICIPAL CODE**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York that City Code Chapter 230-38(F) (2) be amended by rescinding and replacing as follows:

(2) Basis for establishing the areas of special flood hazard.

The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(A) Flood Insurance Rate Maps panels 3602470001B and 3602470002B, whose effective date is July 2, 1980.

(B) Flood Insurance Rate Map Index No. 360247IND0, whose effective date is July 2, 1980.

(C) A scientific and engineering report entitled "Flood Insurance Study, City of Lackawanna, New York, Erie County" dated January 1980.

(D) Flood Boundary and Floodway Map panels 3602470001 and 3602470002, whose effective date is July 2, 1980.

(E) Flood Boundary and Floodway Map Index panel 360247FND0, whose effective date is July 2, 1980.

(F) Letter of Map Revision, Case Number 17-02-1965P effective May 2, 2018 amending Flood Insurance Rate Map Panels 36024770001B and 3602470001 and 3602470002, and Flood Profiles 01P, 02P, 03P, 04P, 05P, 06P and Floodway Data Table 3 of the Flood Insurance Study.

The above documents are hereby adopted and declared to be part of this section. The Flood Insurance Study and/or maps are on file at the Department of Public Works.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by lafallo, seconded by Lewis adopt ordinance as written.

Yeas: Noman, lafallo, Leonard, Surdyke, Lewis

Carried 5-0

**Executive Session**

Moved by Lewis, seconded by lafallo to enter into Executive Session to discuss possible litigation.

Yeas: Noman, lafallo, Leonard, Surdyke, Lewis

Carried 5-0

Enter into Executive Session: 7:28 p.m.

Return from Executive Session: 7:49 p.m.

Roll Call: Present: Noman, Iafallo, Leonard, Surdyke, Lewis

**Adjournment:**

Moved by Lewis, seconded by Iafallo to adjourn meeting.

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

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Keith E. Lewis, Council President

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Jeffrey P. DePasquale, City Clerk